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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/190,727 11/12/98 PALTENGHE

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EXAMINER

HAYES, J

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/190,727

Applicant(s)

PALTENGHE ET AL.

Examiner

John W Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Status***

1. Claims 1-21 were previously canceled and claims 22-26 were previously added. Claim 26 has further been canceled by applicant's preliminary amendment filed 21 December 2000. Claims 22-25 remain pending and are again presented for examination.

### ***Response to Arguments***

2. Applicant's arguments filed 28 August 2001 have been fully considered but they are not persuasive.

3. With respect to claims 22-24, applicant asserts that Goldhaber et al fails to disclose or suggest combining the profile data and then anonymizing the combined data. Examiner agrees as this was stated in the previous Office Action. Applicant further asserts that O'Neil et al fails to cure this deficiency and that O'Neil et al teaches away from anonymizing data. Applicant argues that O'Neil et al discloses establishing electronic personal information agents (E-PIAs) for individuals and that once the individuals become members of an E-Metro community, the members can assign access rules to each piece of personal information. Therefore, applicant asserts that this statement indicates that there is not a blanket anonymization of data. Examiner respectfully disagrees. O'Neil et al does disclose a system that allows a consumer to protect, command, control and process personal information and teaches combining purchase data with similar purchase data from other consumers to create a list of consumers that may be interested in a certain type of purchase. A very key element of the invention disclosed by O'Neil et al is that a member of the E-Metro community assumes an anonymous electronic identity called an "electronic personal information agent" (E-PIA) (Col. 2, lines 16-22). Therefore, the very process used to join an E-Metro community is anonymizing the data into anonymous data.

4. With respect to claim 25, applicant argues that Bezos et al fail to disclose a single payment for goods and services on behalf of a plurality of customers and that Teper et al fail to cure this deficiency. Examiner agrees as this was indicated in the previous Office Action. Examiner notes that Teper et al was

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relied upon only for the teaching of the use of an alias or anonymous consumer ID. Applicant further asserts that Kravitz discloses a process that involves a single customer executing a single transaction and does not suggest making a single payment to a merchant on behalf of the plurality of customers. Examiner respectfully disagrees and directs applicants attention to Kravitz (Col. 13, lines 1-12) wherein a method is disclosed for payments and transactions in an electronic commerce system and teaches that fund transfers from customer accounts to the merchant may be batched over multiple transactions and multiple customer accounts for reasons of efficiency. Thus, examiner submits that it would have been obvious to one skill in the art to modify the method of *Bezos et al* and incorporate the ability to facilitate single payments to popular merchants on behalf of multiple consumers for the obvious advantage of efficiency. It would be more cost effective and more efficient for a service to monitor and account for one large transaction rather than many smaller transactions, especially if the service provider is being charged a fee for every transaction.

### ***Drawings***

5. The drawings are objected to because of the minor informalities cited on the form PTO 948 forwarded as part of paper number 5.

6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Goldhaber et al*, U.S. Patent No. 5,794,210 in view of *O'Neil et al*, U.S. Patent No. 5,987,440.

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As per claim 22, *Goldhaber et al* disclose a method of transmitting purchase data in a database concerning a first consumer's order to at least one merchant comprising extracting the purchase data from the database (Col. 6, lines 24-61), anonymizing the purchase data into anonymous data (Col. 6, lines 27-31; 38-45; Col. 12, lines 46-53) and transmitting the anonymous data to a merchant (Col. 13, lines 34-55). *Goldhaber et al*, however, fails to specifically disclose that the purchase data is combined with similar purchase data from a second consumer's order. *O'Neil et al* disclose a system that allows a consumer to protect, command, control and process personal information and teaches combining purchase data with similar purchase data from other consumers (Col. 13 line 65-Col. 14 line 14) for the specific purpose of locating members that have expressed an interest in a certain item. It would have been obvious to one skilled in the art at the time of applicant's invention to modify the teachings of *Goldhaber et al* and include the ability to combine purchase behavior or consumer profiles of consumers with similar interests as taught by *O'Neil et al* for the advantage of identifying or locating a group of consumers for which a particular advertisement may be targeted. *Goldhaber et al* provide motivation by indicating that it is well known that advertisers have traditionally attempted to target specific groups or types of consumers based on similar interests (Col. 1, lines 50-60; Col. 2, lines 22-35; Col. 3, lines 12-24).

As per claim 24, *Goldhaber et al* further disclose wherein the anonymizing is performed with respect to the consumers' identification data (Col. 6, lines 38-45; Col. 7, lines 62-67).

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Goldhaber et al*, U.S. Patent No. 5,794,210 and *O'Neil et al*, U.S. Patent No. 5,987,440 as applied to claim 22 above, and further in view of *Low et al*, U.S. Patent No. 5,420,926.

As per claim 23, although it may have been obvious to one skilled in the art to anonymize consumers' purchase data by removing credit card numbers, the combination of *Goldhaber et al* and *O'Neil et al* fail to specifically disclose this feature. *Low et al* discloses a method for conducting anonymous credit card transactions without disclosing the details of the transaction that can be used to identify the consumer. *Low et al* teaches that it is particularly easy to assemble information about a consumer which could be used to invade an individual's privacy. For example, a credit card company or

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bank can use the information it acquires to determine the spending habits of a customer and can then either use that information in its own business or make it available to others. Thus, it would have been obvious to one skilled in the art to modify the methods of *Goldhaber et al* and *O'Neil et al* and anonymize the purchase data so that consumers' credit card numbers are not disclosed since this is a very effective means to identify the consumer. The specific intent of the teachings of *Goldhaber et al* are to provide consumer purchase data and consumer profile data without specifically identifying any particular consumer, therefore, it would have been obvious to remove information such as credit card numbers in view of the teachings of *Low et al*.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Bezos et al*, U.S. Patent No. 6,029,141 in view of *Teper et al*, U.S. Patent No. 5,815,665 and *Kravitz*, U.S. Patent No. 6,029,150.

As per claim 25, *Bezos et al* disclose an Internet based shopping and purchasing system and teaches that the system provides customer's with electronic shopping carts (Col. 2, lines 48-51), receives one or more orders into the electronic shopping cart from the customers (Col. 2 line 66-Col. 3 line 4) and receiving the ordered goods and services from a plurality of merchants (Col. 2, line 66-Col. 3 line 4). *Bezos et al*, however, fail to specifically disclose providing the customers with an alias and facilitating a single payment for the ordered goods or services on behalf of the plurality of customers. *Teper et al* disclose a system and method for providing trusted brokering services over a network and teach a method of assigning an anonymous ID to a consumer so that they can conduct transactions with a service provider without revealing their identification information to the service provider (Col. 2, lines 37-44 and 62-67; Col. 3, lines 31-45). It would have been obvious to one of ordinary skill in the art to modify the method of *Bezos et al* and include the use of anonymous ID data so that consumers can conduct transactions without revealing their true identification data. It is well known in the electronic commerce field that consumer privacy is a major concern for consumers and *Teper et al* teaches this by indicating that consumers normally have to register with multiple Web sites and provide payment information which unnecessarily exposes them to a large number of entities who may fraudulently intercept the information and misuse it. *Kravitz* discloses a method for payments and transactions in an electronic commerce

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system and teaches that fund transfers from customer accounts to the merchant may be batched over multiple transactions and multiple customer accounts for reasons of efficiency. It would have been obvious to one skill in the art to modify the method of *Bezos et al* and incorporate the ability to facilitate single payments to popular merchants on behalf of multiple consumers for the obvious advantage of efficiency. It would be more cost effective and more efficient for a service to monitor and account for one large transaction rather than many smaller transactions, especially if the service provider is being charged a fee for every transaction.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art previously made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ferguson et al disclose a system and method for secure transaction order management processing and teaches a method wherein consumers can purchase items from multiple merchants and conduct a single checkout
- Peckover discloses intelligent agents used for electronic commerce wherein consumers personal identity is concealed and the agents are used to assist the consumer in comparing and ranking products.

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Provider personal agents quantify demand and target specific consumers based on preference data without learning their identity.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

The Fax phone number for the **UNOFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

The Fax phone number for the **OFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 746-7239 (for formal communications intended for entry).

The Fax phone number for **AFTER-FINAL** communications where this application or proceeding is assigned in (703) 746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JAMES P. TRAMMELL  
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John Hayes

05 November 2001